

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

CLINTON STRANGE, )  
Plaintiff, )  
v. )  
HEALTHSTREAM, INC.; TWILIO; and ) Civil Action No. 3:18-cv-01071-WDC  
PHC-MINDED G.P., INC. )  
Defendants. )

**PHC MINDED G.P., INC.'S**  
**MOTION TO DISMISS FOR FAILURE TO PAY FILING FEE**

PHC-Minden G.P., Inc. ("Minden Medical Center") moves to dismiss Plaintiff's Complaint due to Plaintiff's failure to pay the filing fee (or request an extension).

On October 11, 2018, Plaintiff filed a *pro se* Complaint.<sup>1</sup> Plaintiff's Complaint was accompanied by Plaintiff's Application for Leave to Proceed in Forma Pauperis.<sup>2</sup>

On November 20, 2018, Minden Medical Center opposed the Application for Leave to Proceed in Forma Pauperis due to Plaintiff's failure to make an adequate showing of indigency. On December 4, 2018,<sup>3</sup> the Court denied Plaintiff's Application to Proceed in Forma Pauperis and ordered Plaintiff to pay the initial filing fee within twenty-eight (28) days<sup>4</sup> (or else request an extension). To date, neither has occurred.

A district court should dismiss a plaintiff's complaint for lack of prosecution if a plaintiff fails to follow a court's directions.<sup>5</sup> Here, the Plaintiff has not paid the required

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 2.

<sup>3</sup> On December 7, 2018, the Court corrected its Order only to identify the party who opposed Plaintiff's Application for Leave to Proceed in Forma Pauperis (from Twilio to Minden Medical Center).

<sup>4</sup> 28 days from 12/04/18 was 01/01/19. With a holiday extension, Plaintiff's deadline was 01/02/19.

<sup>5</sup> See, e.g., *Bomer v. Lavigne*, 76 F. App'x 660, 662 (6th Cir. 2003); *Brown v. Mills*, 639 F.3d 733, 734 (6th Cir. 2011).

filings fee or requested an extension. Therefore, his Complaint should be dismissed. Plaintiff should be required to seek leave of Court before filing a new Complaint.<sup>6</sup>

Respectfully Submitted,

**GIDEON, COOPER AND ESSARY,  
PLC**

**/s/ J. Blake Carter**

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*Counsel for PHC-Minden G.P., Inc.*

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<sup>6</sup> *Brown v. Mills*, 639 F.3d 733, 734 (6th Cir. 2011).

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2019, a true and correct copy of this document was electronically filed and served on all lawyers registered with the Court's CM/ECF system, including:

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*Counsel for HealthStream, Inc.*

*Counsel for TWILIO, Inc.*

In addition, a true and correct copy of this document was served by U.S. Mail, first-class, postage pre-paid, to:

Clinton Strange  
7021 Winburn Drive  
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*Pro Se Plaintiff*

/s/ J. Blake Carter